

Exhibit C

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

PAUL CULBERTSON, KATHY NEAL,
KELLY ALLISON-PICKERING, JESSICA
HAIMAN, ALEXANDER CABOT, BRIANA
JULIUS, NICHELLE NEWLAND,
BERNADETTE NOLEN and ALEXANDRIA
POLICHENA, *individually and on behalf of all
others similarly situated,*

Plaintiffs,

v.

DELOITTE CONSULTING LLP,

Defendant.

Case No.: 1:20-cv-3962-LJL (lead case)

Consolidated with

Case No.: 1:20-cv-4129-LJL

Case No.: 1:20-cv-4077-LJL

Case No.: 1:20-cv-4362-LJL

Case No.: 1:20-cv-5070-LJL

DECLARATION OF KATRINA CARROLL

I, Katrina Carroll, declare as follows:

1. I am the managing partner of the Chicago, Illinois office of Carlson Lynch LLP, and am a member in good standing of the bars of the States of Illinois and New Jersey.

2. I submit this Declaration in support of the motion for appointment of leadership counsel under Fed. R. Civ. P. 23(g), in which I am seeking appointment as a member of the Interim Executive Committee. I have personal knowledge of the facts stated herein.

3. I have litigated class actions since 2001 and am experienced, committed, and dedicated to the prosecution of complex class action cases like this one. My firm and I have the expertise, resources, and personnel necessary to prosecute the action to the fullest extent necessary.

4. I have been appointed to leadership positions in numerous complex and class cases, including data breach and privacy-related actions like this one, such as: *Lewert v. PF Chang's China Bistro, Inc.*, 1:14-cv-04787 (N.D. Ill.) (co-lead counsel, achieved landmark

appellate ruling in the Seventh Circuit confirming that increased risk of identity theft can be a concrete injury-in-fact for standing purposes); *In re Ashley Madison Customer Data Sec. Breach Litigation*, 4:15-md-2669 (E.D. Mo.) (Plaintiffs' Steering Committee, settlement of \$11.2 million approved); *Salam v. Lifewatch, Inc.*, No. 1:13-cv-09305 (N.D. Ill.) (co-lead counsel in action brought under Telephone Consumer Protection Act, obtained class certification in contested litigation).

5. I also have extensive experience prosecuting class and complex actions involving products liability, antitrust, securities, and other types of cases. For instance, I successfully served as co-lead counsel in *In Re: Rust-Oleum Restore Marketing, Sales Practices and Products Liability Litigation*, 1:15-cv-1364 (N.D. Ill.), a sprawling products liability MDL class action which ended in a class settlement. During the final hearing, the Honorable Amy J. St. Eve, now a sitting justice on the Seventh Circuit, commended me and my work in that case as a "model I wish all lawyers would follow."

6. I believe I have a strong record of working collaboratively with other attorneys, both on the plaintiff's side and the defense side. I am familiar with and have longstanding, civil working relationships with several of the other attorneys seeking appointments in this case.

7. Outside of the courtroom, I am an active participant and panelist at symposiums and conferences related to class action litigation and the promotion of women attorneys in the field. Recently I have made presentations at: Mass Torts Made Perfect (2018, 2019); Practicing Law Institute's Consumer Financial Services Institute (2018); the American Bar Association's Section of Litigation Annual Conference (2018); and the Class Action Mastery Program hosted by HB Litigation Conferences (2018). In April 2018, I was honored to appear as a panelist at "May it Please the Court: Symposium on Women Lawyers in the Courtroom," a prestigious

event sponsored by the United States District Court for the Northern District of Illinois and the Chicago Bar Association.

8. Further descriptions of my qualifications and experience, as well as that of my firm, Carlson Lynch LLP, are provided in the attached copy of the firm resume.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: August 13, 2020

/s/ Katrina Carroll

Katrina Carroll

Exhibit 1

CARLSON LYNCH

**FIRM RESUME
AUGUST 2020**



FIRM SUMMARY

With offices in Pittsburgh, San Diego, Los Angeles, and Chicago, Carlson Lynch is a national firm specializing in complex class and collective actions, and is involved in several high-profile multidistrict litigation proceedings. The attorneys of Carlson Lynch LLP (“Carlson Lynch”) have litigated complex class-action matters involving financial fraud (including securities fraud, derivative actions, and mortgage fraud), data breach, privacy, consumer fraud, labor and employment, antitrust, civil rights, and wage and hour laws, in federal and state courts throughout the country. Litigation prosecuted by Carlson Lynch has resulted in substantial monetary recoveries and injunctive benefits on behalf of class members, described in more detail below. In addition, Carlson Lynch cases have generated seminal legal authority in both trial and appellate courts.

Carlson Lynch was founded in 2004 by Bruce Carlson and Gary Lynch, who started the firm to merge and build upon their collective experiences litigating complex class action matters. In 2015, the firm expanded to the west coast with the addition of its San Diego office, managed by Todd Carpenter. Continuing its growth, in 2019, the firm added an office in Chicago, managed by Katrina Carroll, and its Los Angeles office, managed by Eddie (Jae) K. Kim.

NOTABLE CASES¹

PRIVACY/DATA BREACH

In re Equifax, Inc. Customer Data Security Breach Litig., MDL 2800 (N.D. Ga.). Gary Lynch was appointed co-lead counsel for financial institution plaintiffs in multidistrict litigation related to the notorious 2017 Equifax data breach, which is potentially the largest and most damaging data breach of all time. More than 400 lawsuits filed by consumers and financial institutions were consolidated in the MDL. The court granted preliminary approval to a proposed class action settlement on June 5, 2020.

In re Marriott International Customer Data Security Breach Litigation, MDL No. 2879 (D. MD.). Gary Lynch was appointed to the Plaintiffs’ Steering Committee in this multidistrict litigation related to the data breach involving Starwood guest information dating back to at least 2014. The MDL includes more than 100 cases and is in pretrial litigation.

In re Home Depot Customer Data Breach Litig., 1:14-md-02583, MDL 2583 (N.D. Ga.). Carlson Lynch represents five different financial institutions in litigation related to the major data breach at the retailer which continued for almost six months in 2014 and resulted in the compromise of approximately 56 million payment card accounts. Gary Lynch was appointed by Judge Thrash to be one of three lead counsel managing the financial institution track of the litigation. Over forty

¹ This Firm Resume is intended to be representative and is not comprehensive. Carlson Lynch has prosecuted, and continues to prosecute, many substantial cases that are not identified here.



financial institutions and seventeen credit union associations filed a consolidated complaint in May 2015. Judge Thrash denied the majority of Home Depot's motion to dismiss on May 18, 2016. In September 2017, the Court granted final approval to a comprehensive settlement that provides over \$27 million in relief to the class.

In re Target Corporation Customer Data Breach Litig., 0:14-md-02522, MDL 2522 (D. Minn.). Carlson Lynch represents nine different financial institutions in consolidated multidistrict litigation related to the massive data breach that occurred in late 2013. Gary Lynch is on the five-member Plaintiffs' Executive Committee that is managing this litigation on behalf of all Plaintiffs. A settlement agreement which provides \$10 million to affected individual customers was granted final approval in November 2015. A separate settlement providing approximately \$39 million in relief to plaintiff financial institutions was given final approval in May 2016.

First Choice Federal Credit Union v. The Wendy's Company et al, 2:16-cv-0506, (W.D. Pa.). Gary Lynch was appointed co-lead counsel in a group of consolidated cases brought by financial institutions against the Wendy's fast food chain in the aftermath of a late 2015 data breach that exposed customers' credit card information. Magistrate Judge Maureen P. Kelly recommended the denial of Wendy's motion to dismiss in February 2017, and that report and recommendation was adopted by District Judge Nora Barry Fischer in March 2017. The case ultimately settled for \$50 million, which received final approval in 2019.

Dittman et al v. UPMC d/b/a The University of Pittsburgh Medical Center and UPMC McKeesport, (Allegheny Cty., Pa. No. GD-14-003285). Carlson Lynch is representing several employees of the health care group UPMC in a class action stemming from a breach of UPMC's personnel files. Hundreds of employee files were compromised, and numerous fraudulent tax returns were filed using the stolen data. On November 21, 2018 the Pennsylvania Supreme Court vacated and remanded a dismissal of this case, finding that employers have a duty to exercise reasonable care to safeguard employees' sensitive data and the claims from negligence can be brought by employees when an employer's internet-accessible computer systems are breached. In addition, the Court held that Pennsylvania's economic loss doctrine does not prohibit a negligence claims where the plaintiff can establish breach of a duty arising under common law.

In re Anthem, Inc. Customer Data Security Breach Litig., No. 5:15-md-02617, MDL 2617 (N.D. Cal.). Carlson Lynch represented customers of a national health insurer which experienced a data breach involving the personal information, including social security numbers, of up to an estimated 80 million customers. The case was consolidated and transferred to the Northern District of California in June 2015. Carlson Lynch participated in discovery related to Highmark, the Pennsylvania-based member of the Blue Cross Blue Shield Association and a co-defendant in the MDL. The parties reached a settlement valued at \$117 million, which was approved by the Court.

In re Community Health Systems, Inc., Customer Data Security Breach Litigation, 2:15-cv-00222, MDL 2595 (N.D. Ala.). Gary Lynch served as a member of the plaintiffs' steering committee in consolidated multidistrict litigation stemming from a 2014 data breach involving one of the nation's largest hospital chains. The breach affected over 200 hospitals and the sensitive personal information of approximately 4.5 million patients was compromised.



Greater Chautauqua Federal Credit Union et al v. Kmart Corporation et al, No. 15-cv-02228 (N.D. Ill.). Gary Lynch served as a member of the plaintiffs' executive committee, and Katrina Carroll served as liaison counsel, in this consolidated case in which financial institutions were seeking recovery for losses sustained as a result of a 2014 data breach at one of the nation's largest discount retail chains. A settlement was reached and approved in June 2017.

In re SuperValu, Inc. Customer Data Security Breach Litig., 0-14-md-02586, MDL 2586 (D. Minn.). In April 2015, Ed Kilpela of Carlson Lynch was appointed as interim co-lead counsel in this consolidated case. The litigation stems from a 2014 data breach that compromised the sensitive personal and financial information of customers of approximately 1,000 grocery stores operating under a variety of brand names in over a dozen states.

In re Ashley Madison Customer Data Security Breach Litig., MDL No. 2669 (E.D. Mo.). In this well-publicized data breach case, Katrina Carroll, prior to joining Carlson Lynch, represented individuals whose highly sensitive account information was leaked from a social media company. The case was consolidated and transferred to the Eastern District of Missouri in December 2015. A class settlement for \$11.2 million was given final approval in November 2017.

In re Vizio, Inc. Consumer Privacy Litig., MDL No. 2693 (C.D. Cal.). Carlson Lynch represented individuals who purchased Vizio "Smart TVs," which contained software that collected information about the users in a manner that allegedly violates numerous consumer protection statutes. The case was consolidated and transferred to the Central District of California in April 2016, and Gary Lynch was appointed to the Plaintiffs' Steering Committee. In March 2017, District Judge Staton granted in part and denied in part a motion to dismiss, leaving the most significant claims intact and granting plaintiffs leave to re-plead the dismissed counts. After plaintiffs filed a second consolidated amended complaint, a second motion to dismiss was denied in July 2017. Vizio's attempt to certify an interlocutory appeal was denied in October 2017. The case was settled as a class action and received final approval in 2019.

Storm et al. v. Paytime, Inc., No. 1:14-cv-011380-JEJ (M.D. Pa.). Carlson Lynch represented individuals whose sensitive personal and financial information was stolen from the systems of a Pennsylvania payroll processing company. The case was appealed to the Third Circuit and settled on a class basis while the appeal was pending.

Sullivan v. Wenner Media LLC, No. 1:16-cv-960 (M.D. Mich.). Carlson Lynch was co-lead counsel for plaintiffs who brought claims against the publisher of *Rolling Stone* magazine. Plaintiffs allege that *Rolling Stone* sold subscriber information to marketing partners without the subscriber's consent, in violation of Michigan state privacy laws. The parties reached a proposed settlement including a \$1.1 million settlement fund and alternative forms of relief. The settlement was approved in May 2018.

Lewert v. PF Chang's China Bistro, Inc., No. 1:14-cv-04787 (N.D. Ill.): Katrina Carroll served as Court-appointed Co-Lead counsel representing P.F. Chang's customers who had their personal



financial information compromised in a 2014 security breach. This matter was one of the first data breach cases on record. Ms. Carroll oversaw all of the appellate briefing in ultimately obtaining a landmark ruling in the Seventh Circuit on Article III standing, hailed by Law360 as one of the “top privacy cases” of 2016.

Salam v. Lifewatch, Inc., No. 1:13-cv-09305 (N.D. Ill.): In this hard-fought litigation, Carlson Lynch partner Katrina Carroll is currently involved as court-appointed Co-Lead Counsel on behalf of a certified class in this privacy matter brought under the Telephone Consumer Protection Act (“TCPA”). Ms. Carroll has been directly involved in all aspects of litigation, including discovery and motion practice which culminated in a total victory for plaintiffs in contested class certification.

Bakov v. Consolidated World Travel Inc., No. 1:15-cv-02980 (N.D. Ill.): Katrina Carroll serves as court-appointed Co-Lead Counsel in this TCPA litigation on behalf of a certified class of consumers.

Additional Data Breach/Privacy Cases. In addition to the foregoing, Carlson Lynch represents plaintiffs in several other similar pending or settled data breach and privacy-related actions, including:

- *Friske v. Bonnier Corp.*, 2:16-cv-12799 (E.D. Mich.)
- *In re Arby’s Restaurant Group*, 1:17-mi-55555 (N.D. Ga.)
- *Veridian Credit Union v. Eddie Bauer LLC*, 2:17-cv-356 (W.D. Wash.)
- *In re Premera Blue Cross Customer Data Security Breach Litig.*, No. 3:15-md-2633-SI, MDL 2633 (D. Or.)
- *Miracle-Pond, et al. v. Shutterfly, Inc.*, 2019-CH-07050 (1st Dist. Cook County, Ill.)
- *Holm v. Presence Health Network*, 2017-L-012793 (1st Dist. Cook County, Ill.)
- *Viverette, et al. v. Infusion Management Group, Inc. D/B/A the Signature Room at the 95th*, 2019-CH-05660 (1st Dist. Cook County, Ill.)
- *Albrecht v Oasis Power, LLC*, No. 1:18-cv-01061 (N.D. Ill.)

CONSUMER PROTECTION/PRODUCTS LIABILITY

Morrow v. Ann Inc., 16-cv-3340 (S.D.N.Y.). Carlson Lynch was co-class counsel in a case alleging deceptive pricing practices by a major national retail chain. After plaintiffs overcame a motions to dismiss, the case settled for \$6.1 million worth of class benefits. The settlement was approved in April 2018.

Luca v. Wyndham Hotel Group, LLC, 2:16-cv-746 (W.D. Pa.). Carlson Lynch was co-lead counsel in a class action against the Wyndham hotel companies for violations of New Jersey consumer protection statutes. Plaintiffs alleged that Wyndham’s websites deceptively masked the resort fees charged at certain hotels and forced patrons to agree to illegal terms and conditions. In 2017, plaintiffs defeated a motion to dismiss filed by two of the primary operating subsidiaries. A



class settlement worth up to \$7.6 million was reached in 2019 and approved later that year.

In re Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litig., MDL No. 2672 (N.D. Cal.). Carlson Lynch represents preowned auto dealers who suffered damages as a result of Volkswagen’s false advertising and defective design with respect to vehicles marketed as “clean diesel.” The case was consolidated before the Hon. Charles R. Breyer in December 2015.

In re McCormick & Company, Inc., Pepper Products Marketing and Sales Practices Litig., MDL No. 2665 (D.D.C.). Carlson Lynch represents consumers who allege that they were misled by McCormick & Company’s practice of “slack-filling” its opaque ground pepper containers. The case was consolidated before the Hon. Ellen Segal Huvelle in December 2015.

Robert Brown, et al. v. Electrolux Home Products, Inc., d/b/a Frigidaire, No. 15-11455 (11th Cir.). In July 2015, Carlson Lynch attorneys co-authored a brief on behalf of Public Justice, P.C.; the National Association of Consumer Advocates; U.S. PIRG (United States Public Interest Research Group); Consumer Action; and the Consumer Federation of California, appearing as *amici curiae* to the Eleventh Circuit and arguing in support of affirmance of a district court’s certification of a class of purchasers of defective washing machines.

Kobylanski v. Motorola Mobility, Inc., et al., No. 2:13-cv-1181 (W.D. Pa.). Carlson Lynch represented purchasers of MOTOACTV wearable fitness devices who alleged that the devices, although marketed as “sweat-proof” and “rain-resistant,” were in fact susceptible to damage from even slight amounts of moisture. A settlement was reached which provided for full refunds for class members who had previously submitted a claim for water damage to Motorola but were denied a repair or replacement, and additional forms of relief for class members who had not previously complained of water damage. The settlement was approved in October 2014.

Quinn et al. v. Walgreen Co., Wal-Mart Stores, Inc., Supervalu, Inc., and Perrigo Company of South Carolina, Inc., No. 7:12-cv-8187 (S.D.N.Y.). Carlson Lynch served as co-lead counsel on behalf of purchasers of glucosamine/chondroitin products manufactured by Perrigo and sold by various retailers. A settlement was reached in 2014 which provided for a total settlement fund of \$2.8 million and provided for full or partial refunds to class members who submitted valid claims. Final approval was granted in March 2015.

In re Nutramax Cosamin Marketing and Sales Practices Litigation – MDL No. 2498, (D. Md.). Carlson Lynch represented several plaintiffs in nationwide litigation regarding Nutramax’s false and misleading marketing of glucosamine/chondroitin supplements, which multiple studies have determined to be without efficacy for the conditions they purport to treat. After the cases were consolidated for pre-trial proceedings, Carlson Lynch partner Ed Kilpela was appointed to the Executive Committee overseeing the litigation.



In re Wireless Phone Equipment Replacement Insurance Litigation, (C.P. Allegheny County, Pennsylvania). Carlson Lynch was lead counsel in this national litigation alleging consumer fraud in connection with wireless phone equipment replacement insurance. In November 2004, the Court approved a class settlement and entered Findings of Fact and Conclusions of Law which commented on the adequacy of Carlson Lynch as lead counsel as follows:

“Class counsel have abundant experience as lead counsel in consumer class action litigation. Indeed, class counsel have frequently appeared before this Court. Other courts have routinely recognized class counsels’ adequacy This Court readily agrees with these other courts, and finds that Bruce Carlson and Gary Lynch are more than adequate counsel, and indeed are capable and diligent class action attorneys.”

Mednick v. Precor, Inc., No. 14-cv-03624 (N.D. Ill.): Katrina Carroll served as court-appointed Co-Lead Counsel in this products liability matter concerning the heart rate monitoring feature on Precor fitness machines. Due to Ms. Carroll’s efforts, the plaintiffs defeated a contested class certification motion and obtained class certification for a multi-state consumer class. Ms. Carroll was instrumental in negotiating a class settlement providing meaningful relief for class members shortly thereafter, for which the Court recently issued final approval.

Bishop et al. v. Behr Process Corp. et al., No. 1:17-cv-4464 (N.D. Ill.): Carlson Lynch partner Katrina Carroll currently serves as court-appointed Co-Lead Counsel in this national products liability class action matter relating to defective deck paint. Together with her co-counsel, Ms. Carroll obtained a substantial settlement for the class, which has been finally approved by the Court and is currently being administered.

In re Rust-Oleum Restore Marketing, Sales Practices and Prods. Liab. Litig. No. 1:15-cv-1364 (N.D. Ill.): In this sprawling products liability MDL relating to defective deck resurfacing products, Katrina Carroll was instrumental in negotiating a \$9.3 million settlement providing meaningful relief to consumers, which received final approval in March of 2017 by the Honorable Amy J. St. Eve of the United States District Court for the Northern District of Illinois, now a sitting Judge of the Court of Appeals for the Seventh Circuit. Over the course of the litigation, among other things, the court resolved an extremely challenging motion to dismiss substantially in plaintiffs’ favor, issuing a sixty-page opinion, oft-cited in warranty and consumer fraud class actions across the country. Ms. Carroll oversaw the plaintiffs’ briefing on that motion.



FINANCIAL FRAUD / LENDING PRACTICES

In re: FedLoan Student Loan Servicing Litigation – MDL No. 2833, (E.D. Pa.). Carlson Lynch serves as court-appointed co-lead counsel on behalf of student loan borrowers and federal grant recipients in this multidistrict litigation. The claims relate to widespread and systemic failures on the part of a student loan servicer and the U.S. Department of Education to adequately service the programs and advise its participant. A consolidated complaint was filed in November 2019.

Rescap Bankruptcy, (S.D.N.Y. Bkr.). On November 27, 2013, the Bankruptcy Court in the Southern District of New York granted final approval of a class settlement on behalf of in excess of 45,000 residential mortgage borrowers. Carlson Lynch is co-lead counsel for the class. The settlement is for an allowed claim amount of \$300 million dollars. There is a guaranteed payout of approximately \$36 million dollars. The debtor assigned its insurance rights to the class and insurance will potentially cover the difference between the \$36 million dollar guaranteed payout and the allowed claim amount of \$300 million. Upon signing the Order granting final confirmation of the bankruptcy plan, the judge stated that this was the most factually and legally complex matter that he had presided over since taking the bench.

CitiMortgage SCRA Litigation, (S.D.N.Y.). Carlson Lynch was tri-lead counsel in this class action against CitiMortgage on behalf of Sergeant Jorge Rodriguez in the Southern District of New York. This case alleges that CitiMortgage improperly foreclosed upon Mr. Rodriguez's home (and the homes of similarly situated individuals) while he was serving his country in Iraq, in violation of the Servicemembers Civil Relief Act. The case settled on a class basis, securing a total recovery of \$38.2 million. Court granted final approval of the settlement in October 2015.

Pitts v. NovaStar Home Loans, Inc. et al., (S.D. Ga.). Carlson Lynch was co-lead counsel for plaintiffs in this national RESPA class action. The Southern District of Georgia was the MDL court for this litigation. After the Court denied defendant's motion to dismiss, after the Court denied defendants' motion for summary judgment and granted plaintiffs' motion for class certification in a related Maryland state court action – where Carlson Lynch was also co-lead counsel -- and after extensive discovery including the video depositions of several of defendants' top executives, the parties participated in multiple mediation sessions and ultimately arrived at a national cash settlement on behalf of class members for \$17.3 million.

In re Community Bank of Northern Virginia and Guaranty National Bank of Tallahassee Secondary Mortgage Loan Litigation, (W.D. Pa./3d Cir.). Carlson Lynch was co-lead class counsel in this national litigation on behalf of second mortgage borrowers under the Real Estate Settlement Procedures Act. The class was certified by the district court and affirmed by the Third Circuit, 795 F.3d 380 (2015). A class settlement was finalized in early 2017 and obtained a total recovery of \$24 million.

Kahrer v. Ameriquest Mortgage Co., (W.D. Pa./MDL N.D. Ill.). Carlson Lynch was counsel for plaintiff in connection with this consolidated group of class actions alleging the existence of a kick-back scheme in violation of RESPA, along with numerous other unfair lending practices. The specific case being handled by Carlson Lynch created new law under RESPA. Specifically,



Carlson Lynch filed this action as a test case to challenge what they viewed as a negative trend in the law regarding how federal trial courts were determining whether a consumer has standing to sue under RESPA, as well as the manner in which damages are calculated under RESPA. Every prior federal trial court to consider these issues had sided with defendants. In opposing the Ameriquest motion to dismiss that was filed in this case, Carlson Lynch argued that these other federal trial courts had fundamentally misinterpreted the legislative history of RESPA in their decisions to dismiss the prior cases. In a seminal decision, the United States District Court for the Western District of Pennsylvania departed from the holdings issued by these other federal courts and agreed with the arguments of Carlson Lynch, denying the motion to dismiss. *See Kahrer v. Ameriquest Mortgage Co.*, 418 F.Supp.2d 748 (W.D. Pa. 2006) (Hay, J.). Multiple federal courts of appeal have adopted the *Kahrer* reasoning, including at least the Sixth and Third Circuits. This case was ultimately settled as part of MDL proceedings against Ameriquest in the Northern District of Illinois, and final approval of the settlement was granted.

Bannon v. First One Lending, Inc., (C.P., Allegheny County, Pennsylvania). Carlson Lynch was co-lead counsel in this class action filed on behalf of Pennsylvania second mortgage loan borrowers alleging that they were charged excessive settlement fees in violation of the Pennsylvania Secondary Mortgage Loan Act. After the court denied defendant's motion to dismiss, the case ultimately settled and plaintiffs and the class were refunded 100% of the alleged overcharges.

EFTA Litigation. Beginning in late 2010, Carlson Lynch filed putative class actions on behalf of consumers in more than fifteen federal courts under the Electronic Fund Transfer Act. These cases alleged that various automated-teller machine ("ATM") operators (primarily financial institutions) violated mandatory ATM fee disclosure requirements, and therefore were not permitted to impose transaction fees on ATM users at their machines. Motions to dismiss were granted in two cases based upon EFTA's statutory safe harbor provision, and Carlson Lynch appealed the dismissals to the Third Circuit. The Third Circuit agreed with Carlson Lynch and reversed the orders granting the motions to dismiss, and both of those cases were remanded for further proceedings, eventually settling on a class basis. Class settlements were negotiated in at least twenty-five additional cases, with others settling on an individual basis.

WAGE AND HOUR LITIGATION

Verma v. 3001 Castor Inc., (E.D. Pa.). As co-class counsel, Carlson Lynch won a \$4.5 million jury verdict in 2018 for misclassified workers at a Philadelphia nightclub. The claims were brought under the FLSA and Pennsylvania Minimum Wage Act. The trial verdict was fully affirmed by the Third Circuit in August 2019.

Gardner v. Country Club, Inc. (D.S.C.). Carlson Lynch served as class counsel for a class of nightclub workers who were misclassified as independent contractors, subjected to deductions from their tip income, and denied wages. Carlson Lynch won two significant dispositive motions, obtaining a ruling that the workers were legally employees, and a legal opinion determining as a matter of first impression under South Carolina wage laws that tip income was protected from employer deductions. The case then settled for a total of \$1.5 million, and final approval was



granted in 2019.

Herron v. Investment Professionals Inc. (W.D. Pa.). Carlson Lynch secured a \$450,000 settlement for 12 financial advisors who were misclassified by a financial services company and consequently did not receive overtime compensation. The settlement was approved in February 2018.

Herzfeld v. 1416 Chancellor Inc. (E.D. Pa.). Carlson Lynch is class counsel for a litigation-certified Rule 23 class and FLSA collective of more than 100 nightclub entertainers alleging misclassification and violations of the FLSA and Pennsylvania wage and hour laws. A settlement for a total amount of \$415,000 was reached and granted preliminary approval in January 2018. Final approval was granted following a fairness hearing in June 2018.

Correll v. One Three Five, Inc. (W.D. Pa.). Carlson Lynch was class counsel for a class of several hundred nightclub performers who alleged that they were misclassified by the club's owner as independent contractors, resulting in violations of the Fair Labor Standards Act and Pennsylvania state wage laws. A class settlement was granted final approval in 2016 and provided \$815,000 in total relief for the class.

Genesis Healthcare v. Symczyk (U.S. Supreme Court). Gary Lynch served as Counsel of Record before the United States Supreme Court in an appeal addressing the application of mootness principles in a putative collective action filed under Section 216(b) of the Fair Labor Standards Act. When defendant served Carlson Lynch' client with a Rule 68 offer of judgment for "make whole" relief, the district court dismissed the case as moot. Gary Lynch successfully argued the appeal in the United States Court of Appeals for the Third Circuit, which held that the FLSA collective action did not become moot upon the plaintiff's receipt of a Rule 68 offer of judgment for full satisfaction of her individual claim. The Supreme Court reversed in a 5-4 opinion, with Justice Kagan writing a strong dissent on behalf of Carlson Lynch' client—a position which was subsequently adopted by the majority of the Court in *Campbell-Ewald Co. v. Gomez*, ___, U.S. ___, 136 S.Ct. 663 (2016). Carlson Lynch's position before the Supreme Court was supported by the United States as Amicus Curiae.

Gualano v. Abercrombie & Fitch Stores, Inc., (W.D. Pa). Carlson Lynch was co-lead counsel in this wage and hour litigation alleging that defendant retail clothier was violating federal and state minimum wage laws. Following the fairness hearing in early 2005, where a multi-state settlement was presented to the Court for approval, the Court entered Findings of Fact and Conclusions of Law addressing lead counsels' adequacy as follows:

"The Court finds the plaintiffs' counsel, Bruce Carlson and Gary Lynch, are experienced class counsel and that they have met all of the requirements of Rule 23(g)(1)(B) and (C). Consistent with the underlying purpose of Fed. R. Civ. P. 23, plaintiffs' counsel have achieved, with utmost efficiency, a quality result for the entire class and are commended for the diligence and effective advocacy they have displayed on behalf of their clients."



Pasci v. Express, LLC, (W.D. Pa.). This case was similar to the *Abercrombie* case discussed above and proceeded to a fairness hearing in November 2004, where a multi-state settlement was presented to the Court for approval. Regarding the adequacy of Carlson Lynch, the Court issued Findings and Conclusions stating:

“With respect to the adequacy of counsel, the Court finds that class counsel have capably and vigorously represented the class. Bruce Carlson and Gary Lynch have substantial experience in class-based litigation involving consumer fraud and employment claims . . . Class counsel achieved an efficient and excellent result on behalf of the class.”

Ellis v. Edward Jones, (N.D. Ohio). Carlson Lynch chaired the Plaintiffs’ Leadership Committee in this wage and hour class action alleging that defendant stock brokerage company violated federal and state overtime laws. After Defendant filed an answer and after significant discovery wherein Defendant produced in excess of 500,000 pages of documents and hundreds of videotapes, the parties commenced mediation to pursue a potential global settlement. The first mediation, which occurred in Atlanta in March 2007, was unsuccessful. Ultimately, the parties participated in a second mediation in San Francisco, at which the parties arrived at the basic terms of a proposed settlement pursuant to which class members from multiple states received in excess of \$19,000,000. After a fairness hearing on January 5, 2009, the Court granted final approval of the settlement.

Byers v. PNC Financial Services Group, Inc., (W.D. Pa.). Carlson Lynch was lead plaintiff’s counsel in this wage and hour class action alleging that defendant stock brokerage company violated federal and state overtime laws. A multi-state settlement was approved following a fairness hearing in June 2008.

Steen v. A.G. Edwards, Inc., (S.D. Cal.). Carlson Lynch was co-class counsel for plaintiff in this wage and hour litigation alleging that defendant stock brokerage company violated federal and state overtime laws. A mediated national class-based settlement has been reached and preliminary approval has been granted. A fairness hearing was held on August 31, 2009 in Los Angeles, after which the Court entered an Order granting final approval of the settlement.

Meola v. AXA Financial, Inc., (N.D. Cal.). Carlson Lynch was co-class counsel for plaintiff in this wage and hour litigation alleging that defendant financial services company violated federal and state overtime laws. A mediated national class-based settlement was negotiated in this matter, and final approval was granted following a fairness hearing in the fall of 2009.

In re St. Francis Health System, (C.P., Allegheny County Pennsylvania). Carlson Lynch was counsel for the class in connection with this wage and hour litigation on behalf of certain former employees of the St. Francis Health System in Pittsburgh. Plaintiff asserted that the class was deprived of severance benefits when St. Francis Health System was acquired by another hospital group in Western Pennsylvania. Prior to the disposition of Plaintiff’s class certification motion, the parties engaged in extensive mediation before reaching a class-based settlement.



Haag v. Janney Montgomery Scott, (E.D. Pa.). Carlson Lynch was a member of the three firm Executive Committee in this wage and hour class action alleging that defendant stock brokerage company violated federal and state overtime laws. After protracted litigation and two separate mediations, the parties reached a multi-state settlement. A fairness hearing was conducted in Philadelphia on June 30, 2009, where Gary Lynch appeared on behalf of the class. Following the hearing, the Court granted final approval of the settlement.

Steinberg v. Morgan Stanley & Co., (S.D. Cal.). Carlson Lynch was co-class counsel for plaintiff in this wage and hour litigation alleging that defendant stock brokerage company violated federal and state overtime laws. A mediated national class-based settlement was reached, and final approval of the settlement was granted.

Ramsey v. Ryan Beck, Inc. (S.D.N.Y.). Carlson Lynch was co-class counsel in this wage and hour class action alleging that defendant stock brokerage company violated federal and state overtime laws. After protracted litigation, the parties reached a multi-state settlement, and final approval was granted in June 2010.

Kniess v. Heritage Valley Health Systems, Inc., (C.P., Allegheny County, Pennsylvania). Carlson Lynch was lead counsel in this wage and hour class action alleging that the defendant hospital system failed to pay overtime compensation to its nurse practitioners and physician's assistants. The parties reached a mediated class settlement whereby class members received the majority of the back pay alleged by Carlson Lynch.

Leadbitter v. The Washington Hospital, Inc., (W.D. Pa.). Carlson Lynch was lead counsel in this wage and hour class action alleging the defendant hospital system failed to pay overtime compensation to its nurse practitioners and physician's assistants. The parties reached a mediated class settlement whereby class members will be eligible to receive the majority of the back pay alleged by Carlson Lynch, and the settlement has received final approval from the Court.

Career Education Corporation Misclassification Litigation, (W.D. Pa.). In early 2011, Carlson Lynch filed a putative collective action on behalf of admissions representatives employed by culinary schools operated by Career Education Corporation. Carlson Lynch alleged that these individuals were misclassified and improperly denied overtime benefits. A class settlement was negotiated and final approval of the settlement was granted in December 2011.

Atrium Centers, LLC Automatic Meal Break Deduction Litigation, (N.D. Ohio). Carlson Lynch was lead counsel in this collective action on behalf of hourly health care workers (primarily nurses) alleging improper pay practices in connection with automatic meal break deductions. After the court granted Plaintiffs' motion for conditional certification of a collective action under the FLSA, extensive discovery ensued. Following the close of discovery in the fall of 2012, the Parties engaged in mediation with a former United States Magistrate Judge and reached an agreement to settle the case on a collective basis. The settlement was approved by the court in December 2012, and the settlement proceeds have been distributed.



Northwestern Memorial Healthcare Automatic Meal Break Deduction Litigation, (N.D. Ill.), Carlson Lynch was lead counsel in this collective/class action on behalf of hourly health care workers (primarily nurses) alleging improper pay practices in connection with automatic meal break deductions. After extensive discovery and the denial of Defendant's motion for summary judgment, the Parties reached a mediated class settlement in the fall of 2012. In December 2013, the Court granted final approval of the settlement, and the settlement proceeds have been distributed to the class.

Crozer-Keystone Health System Overtime Litigation, (E.D. Pa.), Carlson Lynch filed a putative collective action against Crozer-Keystone Health System in the Eastern District of Pennsylvania. The Complaint challenged pay practices related to nurse practitioners and/or physicians' assistants. The plaintiffs in these cases allege that they were illegally being denied overtime compensation by their employers. After discovery, the Parties filed cross motions for summary judgment. In a widely reported opinion issued on January 4, 2011, the Court granted Plaintiffs' motion for summary judgment, holding that Defendant had misclassified individuals in Plaintiff's job positions. Defendant's motion for reconsideration of the federal court's summary judgment decision was denied in a twenty-one page opinion and order issued on August 15, 2011. Following mediation, the settlement of this case was approved in August 2012.

EMPLOYMENT DISCRIMINATION

White v. United Steel Workers of America, (W.D. Pa.), Carlson Lynch was co-lead counsel in this age-discrimination class action against the U.S.W.A. After overcoming a motion to dismiss on a legal issue regarding a substantial split of authority, the defendant requested mediation to explore the possibility of settlement. After extensive mediation over a one month period in June 2004, the case ultimately settled for an amount that defense counsel characterized as the highest ever paid by the U.S.W.A. in connection with civil litigation.

ANTITRUST

In Re Railway Industry Employee No-Poach Antitrust Litigation, MDL 2850, (W.D. Pa.), Carlson Lynch represents a putative class of employees who allege defendants and their co-conspirators entered into unlawful agreements to reduce and eliminate competition among them for employees and to suppress the compensation of those employees. Chief Judge Joy Flowers Conti appointed Carlson Lynch partner Kelly K. Iverson as Liaison Counsel on behalf of the putative class.

In Re Blue Cross Blue Shield Antitrust Litigation, MDL No. 2406, (N.D. Ala.). Carlson Lynch represents healthcare subscriber plaintiffs in four states in this nationwide class action challenging the anti-competitive practices of Blue Cross/Blue Shield's nationwide network of local insurers who do not compete with each other based on geographic boundaries. In addition to Carlson Lynch's work on the individual cases, Carlson Lynch attorneys have been significantly involved in the discovery process.



ENVIRONMENTAL

Steward et al. v. Honeywell Int'l, Inc., No. 3:18-cv-01124 (S.D. Ill.) Carlson Lynch is currently involved in this property damage class action involving nuclear and non-nuclear contamination of large swaths of the City of Metropolis and the County of Massac. Carlson Lynch and co-lead counsel are prosecuting claims for injunctive relief, property damage, and medical monitoring in this extremely complicated environmental contamination case.

CIVIL RIGHTS

ADA (Americans with Disabilities Act) Accessibility Litigation. Carlson Lynch is currently counsel for plaintiffs in a substantial number of putative class actions filed on behalf of disabled individuals to enforce the ADA's accessibility requirements. Over the last six years, Carlson Lynch has represented the visually disabled in seeking improved access to ATMs, Point of Sale devices, automated retail kiosks, and websites. Carlson Lynch has also represented individuals with limited mobility in seeking elimination of architectural barriers found in parking lots, paths of entry, interior store design, and other places of public accommodation. These cases have been prosecuted in numerous federal courts across the country. Carlson Lynch has overcome motions to dismiss in more than twenty-five of these cases. A substantial number of the cases have been settled, and in all of those cases, the defendants have agreed to equitable relief calculated to guarantee the accessibility to public accommodations that is required by the ADA.

Moreover, in January 2016, Magistrate Judge Robert C. Mitchell of the United States District Court for the Western District of Pennsylvania recommended certification of a national class of mobility-disabled individuals who were denied full and equal access to Cracker Barrel stores due to the company's inadequate centralized ADA maintenance policies. Judge Mitchell recommended that Carlson Lynch be appointed as counsel for the Class. Cracker Barrel has over 630 stores across the country. The report and recommendation was adopted by District Judge Mark Hornak in July 2016. The case subsequently settled, securing injunctive relief for the nationwide class.

More recently, Carlson Lynch was representing an individual with a mobility disability in *Egan v. Live Nation Worldwide, Inc.*, 2:17-cv-445 (W.D. Pa.). The claims involve wheelchair inaccessibility and ticket unavailability at Pittsburgh-area concert events promoted by Live Nation and ticketed by Ticketmaster. In March 2018, Judge Mark Hornak denied Live Nation's attempt to force arbitration of the potential class action. On appeal, the Third Circuit remanded the arbitration question for trial on disputed factual issues. The case settled before trial.



ATTORNEYS

R. Bruce Carlson

Bruce Carlson is from Wilkinsburg, Pennsylvania, where he attended Pittsburgh Public School. He graduated from the University of Pittsburgh School of Law in 1989, where he was the Executive Editor of the *Journal of Law and Commerce*. He also obtained his undergraduate degree from the University of Pittsburgh, graduating *summa cum laude* in political philosophy. After law school, he was employed for approximately four years at Eckert Seamans Cherin & Mellott, in Pittsburgh. Subsequently, he was a member at the Pittsburgh plaintiffs-FELA and mass tort firm previously known as Peirce, Raimond, Osterhout, Wade, Carlson & Coulter. During his five year tenure at the Peirce firm, Bruce developed and managed one of the largest, if not the largest, pediatric lead poisoning practices in the country. After his practice evolved and began to focus more on consumer class action litigation, he affiliated the practice with a prominent Pittsburgh-based plaintiffs' class action firm. During the almost four years that he was affiliated with that firm, Bruce originated and was lead counsel in more consumer class cases than any lawyer in Western Pennsylvania. These cases were filed not only in Western Pennsylvania, but in state and federal courts throughout the country. In June 2004, Bruce ended his relationship with his former firm and co-founded Carlson Lynch.

Bruce is admitted to practice in the state courts of Pennsylvania and West Virginia, the United States District Courts for the Western, Middle and Eastern Districts of Pennsylvania, the Northern and Southern Districts of West Virginia, the Northern District of Ohio, the Northern, Southern, Eastern and Western Districts of Texas, the District of Maryland, the Western District of Tennessee and the United States Courts of Appeal for the Third, Fifth, Ninth and Eleventh Circuits. He is a member of the Million Dollar Advocates Forum. He is a member of the American Association of Justice, and the Pennsylvania, Western Pennsylvania and West Virginia Trial Lawyers Associations.

Gary F. Lynch

Gary Lynch was born and grew up in Western Pennsylvania. Gary earned his Juris Doctor in 1989 from the University of Pittsburgh School of Law, where he served as an Editor of the *University of Pittsburgh Law Review*, and his Bachelor of Science in Accounting from the Pennsylvania State University in 1986. He was admitted to the State Bar of the Commonwealth of Pennsylvania in 1989 and the State Bar of New York in 2018, and is admitted to practice in the United States Supreme Court, the United States Courts of Appeals for the First, Third, Fifth, Sixth, Seventh, Ninth, and Eleventh Circuits, and the United States District Courts for the Western, Middle, and Eastern Districts of Pennsylvania, the Northern and Southern Districts of Ohio, the Northern and Central Districts of Illinois, the Western District of New York, the Eastern and Western Districts of Michigan, and the District of Maryland. Gary has also been admitted *pro hac vice* in numerous jurisdictions nationwide.

Gary has been engaged in the practice of law for the last twenty-nine years, beginning his



legal career at Reed Smith, LLP (formerly Reed Smith Shaw & McClay). After leaving Reed Smith in 1991, Gary served as the Managing Partner of Lynch & Kunkel and Gary F. Lynch, P.C., focusing his practice on the representation of clients in employment-related matters, particularly complex litigation. Since co-founding Carlson Lynch in June of 2004, Gary has developed a nationally recognized plaintiffs' class action practice in the areas of consumer protection litigation and employee rights.

Gary has served in a leadership capacity in several MDL/class action proceedings, including many of the largest data breach cases in recent years. For example, as Co-Lead counsel representing a class of financial institution plaintiffs in *In re Equifax, Inc. Customer Data Security Breach Litigation* (N.D. Ga.); *First Choice Federal Credit Union v. The Wendy's Company* (W.D. Pa.), and *In re: The Home Depot, Inc. Customer Data Security Breach Litigation* (N.D. Ga.); as a member of the Plaintiffs' Steering Committee representing the consumer plaintiffs in *In re Marriott International Customer Data Security Breach Litigation* (D. Md.), and as member of the overall executive committee in *In re Target Corporation Customer Data Breach Litig.*, (D. Minn.).

His appointments extend beyond data breach cases, however, and in 2018, Hon. C. Darnell Jones II appointed him Co-Lead counsel representing a class of student loan borrowers in *In re: FedLoan Student Loan Servicing Litigation* (E.D. Pa.). In *Ellis v. Edward Jones* (N.D. Ohio No. 1:08-cv-00540, MDL No. 1779), he chaired the Plaintiffs' Leadership Committee in a wage and hour class/collective action, which returned more than \$19 million to the class.

In 2018, Gary successfully argued before the Pennsylvania Supreme Court in *Dittman et al v. UPMC*, where the Court issued its landmark decision establishing a general duty of care to protect against data breaches and clarifying the parameters of the economic loss doctrine in the data breach context, as well as any other context where an independent legal duty is sought to be enforced for purely economic damages. Gary also served as Counsel of Record before the United States Supreme Court in the case of *Genesis HealthCare Corp. v. Symczyk*.

Gary currently serves on the Local Rules Advisory Committee for the United States District Court for the Western District of Pennsylvania. He has been rated as a "Super Lawyer" and has received Martindale Hubbell's "AV" rating. Gary is a frequent local and national Continuing Legal Education lecturer.

Gary is active in a number of community non-profit organizations, including past President and current board member of the Human Services Center, Inc. (an outpatient behavioral healthcare provider), board member of the Highland House, Inc. (a halfway home for women recovering from addiction), and former board member of the Lawrence County (Pennsylvania) Historical Society.

Edwin J. Kilpela, Jr.

Ed Kilpela is a native of Pittsburgh and a graduate of the Pennsylvania State University and the University of Michigan Law School, where he won the prestigious Campbell Moot Court Competition while earning awards for both best brief and as the best oral advocate in the



competition. Ed lives in Mt. Lebanon with his twin sons, Devin and Graham, and his wife, Gina. Ed has litigated and tried complex class-action and mass tort matters both at Carlson Lynch on behalf of individuals and consumers and, previously, at both Williams & Connolly LLP and Wheeler Trigg O'Donnell LLP, two of the finest complex litigation firms in the country.

Mr. Kilpela's current practice focuses on consumer-oriented class actions and financial fraud matters. Currently, Ed represents a class of insurance purchasers in Western Pennsylvania, Rhode Island, and Hawaii in an antitrust conspiracy class-action alleging illegal collusion between the members of the nationwide network of Blue Cross/Blue Shield insurers, resulting in increased insurance premiums and lack of competition in the health insurance market. In addition, Ed serves as counsel for purchasers of glucosamine/chondroitin health supplements who were defrauded by multiple companies in their marketing and advertising of those supplements in which unsupported and medically false claims were made regarding joint health benefits the supplements do not provide.

A representative sample of Ed's past litigation experience includes 1) serving as counsel for a large financial institution and its officers and directors in connection with securities class action and ERISA lawsuits stemming from alleged accounting manipulation and corresponding stock losses; 2) serving as national Counsel for large multinational pharmaceutical corporation in multiple cases across the country defending against allegations that the company failed to adequately warn consumers and prescribing health providers about potential product risks; and 3) representing a large multi-national consumer goods manufacturer in multiple products liability class action matters stemming from claims regarding alleged product defects.

Ed was selected by his peers in 2011, 2012, and 2013 as a Rising Star in SuperLawyers, a distinction given to no more than 2.5% of his peers under the age of 40.

Todd Carpenter

Todd Carpenter is a former shareholder at the Phoenix based, Bonnett, Fairbourn, Friedman & Balint, P.C. His practice focuses on consumer class action, representing plaintiff classes in major insurance fraud, unfair business practices, false and deceptive advertising, product liability cases, and anti-trust violations. Todd has represented plaintiffs in numerous class action proceedings in California and throughout the country, in both state and federal courts.

Todd, through his participation in a multidistrict litigation action before U.S. District Court Judge James Lawrence King in Miami, Florida, represented consumers in separate actions against Union Bank, N.A. and Bank of the West to recover damages stemming from alleged fraudulent overdraft fee practices. The cases resulted in favorable settlements, resulting in nearly \$50 million dollars in recovered fees to customers. Todd has filed similar actions against several other banks and credit unions across the country, alleging that each institution manipulated the processing of customer debit card purchases to maximize overdraft fees.

Todd has successfully represented several plaintiff classes in recovering statutory penalties resulting from violations of California's Song Beverly Credit Card Act §1747.08. Additionally,



his efforts as part of a collaborative team of lawyers have resulted in the recovery of millions of dollars in compensation for California consumers of food and supplement products arising from misleading advertising claims made by producers and manufacturers about the safety and efficacy of the products.

Todd received his B.B.A in 1999 from the University of New Mexico, where he was awarded the University's Karen Abraham's Outstanding Service Award in 1997 and again in 1998 for his development and participation in after-school recreational leagues for underprivileged youth. He received his law degree from the University of San Diego School of Law in 2002. While in law school, Todd served as Vice President for the Democratic Student Association and garnered recognition for representing indigent litigants through the University of San Diego School of Law's Legal Clinic. Todd is a member of the California Bar and has also been admitted to practice in all Federal District Courts in the state of California.

Katrina Carroll

Katrina Carroll is the founding partner of Carlson Lynch's Chicago office and serves as Co-Chair of the Firm's Executive Management Committee. She graduated from Northwestern University, with honors in political science in 1997, and in 2000, received her law degree from Seton Hall University. In 2018, Katrina was selected one of the top 25 class action lawyers in the State of Illinois by the National Trial Lawyers Association. She has also been named multiple times as a SuperLawyer, an honor based on extensive peer review.

Katrina devotes herself exclusively to fighting for workers, consumers and investors. Her experience includes products liability, privacy, antitrust and securities cases. Over the course of her career, she has recovered more than \$1 billion for her clients. Prior to joining Carlson Lynch in 2019, Katrina was the managing partner of Lite DePalma Greenberg's Chicago office. While at Lite DePalma, Katrina served as Co-Lead counsel in *In Re: Rust-Oleum Restore Marketing, Sales Practices and Products Liability Litigation* (MDL; N.D. Ill.), a sprawling products liability MDL class action. During the final hearing, the Honorable Amy J. St. Eve, now a sitting justice on the Seventh Circuit, praised Ms. Carroll as a "model I wish all lawyers would follow." Katrina now serves as Co-Lead Counsel in *Bishop v. Behr Process Corporation* (N.D. Ill.), a similar national class action matter relating to defective deck paint.

Katrina is recognized nationally as an authority on topics arising in class action litigation. She has spoken at many local and national conferences, including the American Bar Association's 18th National Institute on Class Actions (2014), Perrin's Class Action Litigation Conference (2015), the American Association for Justice's Annual Convention (2016), Loyola University School of Law's Consumer Law Review Academic Symposium (2017), Practicing Law Institute's Consumer Financial Services Institute (2018), the American Bar Association's Section of Litigation Annual Conference (2018), the Class Action Mastery Program hosted by HB Litigation Conferences (2018) and Mass Torts Made Perfect (2018, 2019).

In April 2018, Katrina was honored to appear as a panelist at "May it Please the Court: Symposium on Women Lawyers in the Courtroom," a prestigious event sponsored by the United



States District Court for the Northern District of Illinois and the Chicago Bar Association.

Katrina frequently appears as a panelist on class action issues at the Chicago Bar Association. She currently serves on the Advisory Board of Loyola University School of Law's Institute for Consumer Antitrust Studies and mentors law students and young lawyers. She is a member of the Class Action Trial Lawyers Association, the Chicago Bar Association and a former member of New Jersey's John C. Liffand American Inn of Court.

Edward W. Ciolko

Ed joined Carlson Lynch as a partner in 2018. Ed concentrates his practice in the areas of ERISA, Antitrust, RESPA and Consumer Protection.

Prior to joining Carlson Lynch, Ed was a Partner at Kessler Topaz Meltzer & Check, LLP, where he served as counsel in a variety of nationwide ERISA breach of fiduciary duty class actions, brought on behalf of retirement plans and their participants alleging, inter alia, imprudent investment of plan assets which caused significant losses to the retirement savings of tens of thousands of workers. These cases include: *Harris v. First Regional Bancorp.*, No. 2:10-cv-07164 (C.D. CA); *In re Advanta Corp. ERISA Litig.*, No. 09-CV-04974 (E.D. Pa.); *In re YRC Worldwide, Inc. ERISA Litig.*, No. 09-CV-2593 (D. Kan.); *In re R.H. Donnelley ERISA Litig.*, No. 09-CV-07571 (N.D. Ill.); *In re: SLM Corp. ERISA Litig., et al.*, No. 08-CV-4334 (S.D.N.Y.); and *In Re SunTrust Banks, Inc. ERISA Litigation*, No. 1:08-cv-03384 (N.D. Ga.).

Ed's efforts have also helped achieve a number of large recoveries for affected retirement plan participants: *In re National City ERISA Litig.*, No. 08-nc-70000 (N.D. Ohio) (settled -- \$43 million recovery); *In re Sears Roebuck & Co. ERISA Litig.*, C.A. No. 02-8324 (N.D. Ill.) (settled — \$14.5 million recovery); and *In re Honeywell Intern'l ERISA Litig.*, No. 03-CV-1214 (DRD) (D.N.J.) (settled — \$14 million recovery, as well as significant structural relief regarding the pension plan's administration and investment of its assets).

Ed also concentrates part of his practice to the investigation and prosecution of pharmaceutical antitrust actions, medical device litigation, and related anticompetitive and unfair business practices including *In re Wellbutrin SR Antitrust Litigation*, 04-CV-5898 (E.D. Pa. Dec. 17, 2004); *In re Remeron End-Payor Antitrust Litigation*, Master File No. 02-CV-2007 (D.N.J. Apr. 25, 2002); *In re Modafinil Antitrust Litigation*, 06-2020 (E.D. Pa. May 12, 2006); *In re Medtronic, Inc. Implantable Defibrillator Litigation*, 05-CV-2700 (D. Minn. 2005); and *In re Guidant Corp. Implantable Defibrillator Litigation*, 05-CV-2883 (D. Minn. 2005).



Eddie Jae K. Kim

Eddie Jae K. Kim is a partner at Carlson Lynch and manages its Los Angeles office. Eddie grew up in Southern California and received an undergraduate degree in English Literature from the University of California, at Berkeley, and a law degree from Cornell Law School. He has devoted his entire career to protecting the rights of individuals and small businesses.

During law school, Eddie clerked for the Orange County Public Defender and the Neighborhood Defender Service of Harlem, where he advocated for the civil and criminal rights of indigent defendants. Upon graduation from law school, he worked and became a partner at the Southern California law firm McCune Wright Arevalo, LLP, where he played a substantial role in building a nationally-recognized consumer class action practice.

His work includes a number of significant and high profile cases, including *Gutierrez v. Wells Fargo*, which resulted in the \$203 million trial verdict on behalf of one million California bank customers based on the unlawful assessment of overdraft fees. *Gutierrez* subsequently spawned a national multi-district litigation against many of the largest banks in the country that resulted in several billion dollars' worth of settlements. Eddie then managed a series of class actions against banks and credit unions throughout the country based on another unlawful overdraft fee practice, resulting in over \$28 million worth of settlements.

He also worked on class actions relating to product liability, including developing the first-filed case *Espinosa v. Hyundai*, which challenged the auto manufacturer's advertisement of inflated fuel efficiency numbers and became the basis for the multidistrict litigation *In re Hyundai and Kia Fuel Economy Litigation* and the resultant \$200 million settlement. He served as co-trial counsel in a class action against the boat manufacturer Correct Craft which resulted in a verdict for the class that included reimbursement of the purchase price and an injunction requiring the recall of dangerous boat showers that put people at risk of fatal carbon monoxide poisoning.

In addition to representing individual consumers, Eddie has also represented small businesses through collective action, including a series of class actions on behalf of small trucking companies in California against nine of the largest intermodal shipping companies in the world, including MOL, MSC, Evergreen, Hyundai, and Wan Hai, based on the unlawful assessment of per diem fees for the lease of cargo containers. The lawsuits resulted in restitution and cessation of the unlawful practice.

Eddie has handled successful appeals in both state court and multiple federal circuit courts that have resulted in significant rulings, including rulings banning heads-I-win-tails-you-lose indemnification provisions from home purchase contracts and finding unconscionable the intermodal shipping industry's industry-wide arbitration provision.

He served as the co-chair of the Pro Bono Committee of the Korean American Bar Association of Southern California in 2013, which assists low-income, Korean-speaking clients at



a Legal Aid Foundation clinic in Los Angeles. When he is not practicing law, Eddie enjoys hiking in the mountains and composing music.

Kelly K. Iverson

Kelly Iverson was born and raised in Pittsburgh. She received Juris Doctor, *summa cum laude*, from Duquesne University School of Law, where she was honored with the Shalom Moot Court Award for Outstanding Trial Advocacy and an appointment to the Louis L. Manderino Honor Society for Meritorious Service to the Trial Advocacy Program. Kelly has extensive litigation experience in both state and federal courts. In 2016, she served as lead trial counsel in a medical malpractice action in federal court, receiving a verdict in her client's favor for the maximum available statutory damage award. Kelly's trial practice also includes second chair experience in both jury trials and commercial arbitration.

Kelly joined Carlson Lynch as a partner in February 2018. She prosecutes consumer protection matters with a focus on consumer fraud, data breach and privacy, and civil rights class actions. Kelly was Court appointed as co-lead counsel in *Flynn v. Concord Hospitality Enter. Co.* (W.D. Pa.), and as Plaintiffs' Liaison Counsel in *In Re Railway Industry Employee No-Poach Antitrust Litigation* (W.D. Pa.). Kelly also serves as a committee member for the leadership teams in the following multidistrict litigation proceedings: *In re Equifax, Inc. Customer Data Security Breach Litigation* (N.D.Ga.); *In Re: Marriott International, Inc., Customer Data Security Breach Litigation* (D. Md.) and *In re Arby's Restaurant Group, Inc. Data Security Litig.* (N.D. Ga.). She also assisted lead counsel in prosecuting the consolidated action, *First Choice Fed. Credit Union v. The Wendy's Co.* (W.D. Pa.), which recently received final approval of a \$50 million class settlement.

In 2019, Kelly was selected to SuperLawyers - Rising Stars, a distinction given to no more than 2.5% of her peers under the age of 40.

Kelly currently serves on the Board of Millvale Athletic Association, a local fastpitch softball organization. From 2010 through 2017, she served as a high school mock trial attorney advisor for Fort Cherry High School and Pittsburgh Science and Technology Academy. Kelly lives in Lawrenceville with her husband Nathan, their three children, and their dog.

Eric D. Zard

Eric Zard, a partner at Carlson Lynch, was born and raised in Minnesota where he received his Bachelor of Science from the University of Minnesota and his Juris Doctor from the University of Saint Thomas School of Law. While in law school, Eric served as an editor for the *University of Saint Thomas Law Journal*, authored a comment that was published in the *University of Saint Thomas Law Journal* (Patentability of Human Genetic Information: Exploring Ethical Dilemmas Within the Patent Office and Biotechnology's Clash with the Public Good, 6 U. St. Thomas L.J. 486 (2009)), and received a Dean's Award for Negotiations.



After graduating law school, Eric moved to Phoenix, Arizona and began his legal career at Bonnett, Fairbourn, Friedman & Balint, P.C., where he practiced consumer class action litigation for over seven years. During his time in Phoenix, Eric also defended architects, engineers, and other design professionals, businesses, and individuals in civil litigation. Eric has represented commercial landlords in purchase and sales agreements and unique landlord-tenant disputes. Eric represents clients that have been discriminated against, sexually abused and harassed in the work place, clients that have suffered severe physical injuries related to motor vehicle accidents, and individuals in premise liability matters.

In 2017, Eric decided to join a friend and former colleague from Bonnett-Fairbourn, Todd Carpenter, at Carlson Lynch in San Diego, California. Eric continues to represent plaintiffs in a wide-range of matters but his primary focus is consumer class action litigation. Eric has represented numerous clients in both state and federal courts throughout the country.

Pam Miller

Pam is the head of Carlson Lynch's Injury and Disability Group. She was born and raised in Western Pennsylvania. As the proud daughter of a railroad worker, Pam grew up with an acute awareness of the hazards and risks of personal injury which American workers constantly face. Consequently, after graduating from Westminster College, Pam obtained her law degree from the University of Pittsburgh School of Law in 1993, with the sole intent to represent injured and disabled workers.

For nearly twenty years now, Pam has tirelessly advocated for her clients before the Social Security Administration, the Pennsylvania Bureau of Workers' Compensation, and in Federal Employer Liability Act litigation in federal court. Pam has handled over one thousand claims for Social Security Disability and continues to develop her practice in this increasingly significant area of federal administrative law.

Jamisen Etzel

Jamisen attended Duquesne University where he graduated *magna cum laude* in 2008 with a Bachelor of Arts in Political Science. He obtained his law degree from New York University School of Law in 2011. While at NYU Law, Jamisen was Managing Editor of the *Journal of Legislation and Public Policy*. During the summer of 2010, Jamisen served an internship with United States District Judge William H. Walls of the United States District Court for the District of New Jersey.

Jamisen works primarily in the firm's data breach, privacy, consumer, and employment class litigation practices, and has been involved in most of the firm's recent appellate work, securing three favorable, published opinions from U.S. Courts of Appeals in 2018 and 2019. Jamisen has been involved in most of the firm's recent data breach litigation, contributing at every stage, including initial pleadings, dispositive motions practice, discovery, settlement negotiation, and appeals.



In March 2018, Jamisen was part of a three-person trial team that obtained a jury award of \$4.5 million in unpaid wages and illegally confiscated tips for class of misclassified nightclub workers in *Verma v. 3001 Castor Inc.*, 2:13-cv-3034-AB (E.D. Pa.). Jamisen then briefed and presented oral argument in the defendant's post-trial appeal to the Third Circuit, and obtained an across-the-board affirmance of Carlson Lynch's trial victory. *Verma v. 3001 Castor Inc.*, 937 F.3d 221 (3d Cir. 2019). He served as the primary briefing and arguing counsel for successful appellants in *Mickles v. Country Club, Inc.*, 887 F.3d 1270 (11th Cir. 2018), and for successful appellees in *DeGidio v. Crazy Horse Saloon and Restaurant, Inc.*, 880 F.3d 135 (4th Cir. 2018), wherein the Fourth Circuit held that an employer's mandatory arbitration agreements were unenforceable due to the employer's abusive tactics in disseminating the agreements and the employer's delay in moving to enforce the agreements in the district court proceedings.

Jamisen was also one of the primary brief writers in the *Dittman v. UPMC* appeals, leading to a groundbreaking opinion from the Supreme Court of Pennsylvania—in favor of Carlson Lynch's clients—which clarified Pennsylvania's economic loss rule and recognized that employers have a common law duty to use reasonable care when collecting sensitive employee data. 196 A.3d 1036 (Pa. 2018).

In 2019 and 2020, Jamisen was selected to SuperLawyers - Rising Stars, a distinction given to no more than 2.5% of his peers under the age of 40.

James P. McGraw, III

Jim McGraw is a Pittsburgh native. After the decline of the steel industry in Pittsburgh in the mid-1980s, Jim moved with his family to Northern Kentucky, where he grew up. Jim graduated from the University of Kentucky with a degree in marketing. After college, Jim returned to Pittsburgh to attend Duquesne University School of Law. While in law school, Jim became involved with Duquesne's prestigious moot court program, participating in a number of competitions around the country, and culminating with he and his team winning a national invitational trial advocacy tournament. Jim and his teammates received a formal Citation from the Pennsylvania House of Representatives for their success.

After earning his Juris Doctorate degree, Jim developed a broad litigation practice in which he has represented a range of clients, including individuals, commercial entities, government officials, and municipalities. Jim has experience litigating matters in state and federal courts around the country, as well as in commercial arbitration and mediation. He also has extensive experience at the appellate level, including arguing cases before the Commonwealth Court and Superior Court of Pennsylvania. Jim has been recognized as a SuperLawyers Rising Star, a distinction given to only 2.5% of his peers under the age of 40.

Previously, Jim worked for a large Philadelphia-based law firm, representing clients from such industries as construction, healthcare, insurance, and banking. In 2019, Jim joined Carlson Lynch in order to focus his practice on the representation of consumers, employees, and other



individuals who have been harmed by, or denied access to, important institutions and instruments of commerce.

Jim lives in Franklin Park, a Pittsburgh suburb, with his wife and children. He is an avid sports fan who enjoys following the Steelers, Penguins, Pirates, and his Kentucky Wildcats. When not practicing law, he enjoys fly fishing, pheasant hunting, and spending time with his family.

Elizabeth Pollock Avery

Elizabeth was born and raised in Buffalo, New York. After obtaining her bachelor's degree from the State University of New York at Buffalo, she attended Indiana University- Bloomington Maurer School of Law, graduating in 2012. While in law school, Elizabeth assisted indigent members of society as a law clerk at the Monroe County Public Defenders' Office and at the Indiana University Disability Law Clinic.

After graduating, Elizabeth moved to Pittsburgh and worked for a family law firm prior to joining a Plaintiff side employment litigation firm in 2013. As a plaintiff's employment litigator, Elizabeth worked to right the wrongs committed against employees in a variety of areas of employment law, including the Fair Labor Standards Act, the Family and Medical Leave Act, and litigating cases dealing with sexual harassment, gender discrimination, race, age and disability discrimination.

Elizabeth's practice is primarily split between the firm's data breach and ADA practice groups. She has also worked on cases involving consumer protection, labor and employment including Fair Labor Standards and state wage law, and antitrust.

Kyle A. Shamberg

Kyle is a Chicagoland native. After graduating from the Loyola Chicago School of Law, magna cum laude, Kyle moved to New York where he worked first as a Staff Attorney at the U.S. Court of Appeals for the Second Circuit and then at New York's largest asbestos litigation firm, handling complex motion practice and appeals on behalf of clients, largely former union tradesmen and military servicemen, who had developed terminal diseases from their asbestos exposures.

Since coming home to Chicago in 2014, Kyle has focused exclusively on litigating consumer class actions, representing clients for injuries ranging from identity theft and financial fraud as a result of a data breach to massive property damage caused by failing plastic plumbing systems. He joined Carlson Lynch in 2019, where he continues to advocate for consumer and privacy rights. Kyle has argued appeals in front of the Seventh and Second Circuits and the New York Appellate Division. He is the former Chair of the Chicago Bar Association's Class Action Committee.

**Nicholas R. Lange**

Majoring in English with a concentrated study in philosophy, Nicholas attended the University of Illinois at Urbana Champaign, the last six of months of which he lived abroad in East Africa, broadening his horizons while completing coursework in international law. His work there culminated in a presentation to the International Criminal Tribunal for Rwanda in Kigali, Rwanda. Nicholas returned home to graduate from the DePaul University College of Law, with honors.

During law school, Nicholas cut his teeth clerking at one of Chicago's prominent complex litigation firms. Initially after law school, his practice focused on representing condominium and other common-interest communities— and their directors and managers— in all manners of civil litigation, including fraud, tort, breach of contract, fiduciary duties, and corporate matters, and including fights with developers, insurers, and municipalities. Since then, Nicholas has been, and continues to be, involved in a wide variety of class litigation, including some of the most complex class actions pending in the country.

Kristin Graham

Kristy Graham is a native of Pittsburgh, Pennsylvania. She attended the University of Virginia in Charlottesville and graduated in 1998 with a bachelor's degree in environmental sciences. Before returning to Charlottesville for law school, Kristy taught English in Madrid, Spain and, later, worked as an analyst for Booz Allen Hamilton at its headquarters in Northern Virginia. Kristy graduated from the University of Virginia School of Law in 2003. While in law school, she served as an Articles Editor for the *Virginia Law Review*.

Kristy began her legal career as a commercial litigation associate with Holland & Hart, a Denver-based law firm with over 400 attorneys in 15 offices. While at Holland & Hart, Kristy was involved in all aspects of litigation in federal and state court, from preparing pleadings and conducting discovery through drafting dispositive motions and supporting briefs. Kristy was also part of a multinational energy company's defense team in a severance pay class action lawsuit stemming from one of the largest mergers in U.S. history. Prior to joining Carlson Lynch in January 2015, Kristy also practiced law with small firms in Pennsylvania and Colorado. Kristy's broad array of litigation experience includes general commercial, labor, and employment, ERISA, oil and gas, real estate, and personal injury cases. Kristy works in all aspects of Carlson Lynch's complex litigation practice.

Matthew Brady

Matthew was born and raised in Pittsburgh, Pennsylvania. His parents are from McKeesport, Pennsylvania and he grew up in Penn Hills. Matthew joined Carlson Lynch as a professional and educator with more than twenty years of experience living and working in developing and emerging markets, designing and overseeing operations in the United States and abroad, and providing policy recommendations to key stakeholders, including US and foreign government officials.



Having lived or worked in parts of Africa, Asia, Europe, and Central and South America, Matthew's background enables him to assist corporate clients with cross-border banking and financial transactions, debt management, employment and immigration matters, grant writing, hospitality and tourism laws, nonprofit and for-profit tax matters, as well as federal and foreign audits, and US federal regulations (BIS, FAR, State Department, Treasury Department, OFAC and USAID).

He has helped non-profit and for-profit organizations from the conceptual and start-up phase to mature institutions, as well as distressed companies. His efforts have allowed organizations to increase revenue, overcome institutional challenges and grow strategically while maintaining good governance and compliance with domestic and foreign laws, including international law, bilateral agreements and multilateral treaties.

Matthew has been to the United Nations Commission on Human Rights in Geneva, Switzerland four times as part of multinational delegations, and he has raised more \$14 million for projects with community groups, activists, human rights defenders and social entrepreneurs in Europe, Latin America and the United States. He has also published articles in the *Miami Herald*, *El Nuevo Herald*, and *Huffington Post* and contributed to Freedom House's human rights publications *Freedom in the World*, *Freedom of the Press* and *Freedom on the Net*.

Since joining Carlson Lynch, Matthew has augmented his portfolio to include complex class action and multidistrict litigation in a range of areas, such as Americans with Disabilities Act (ADA) compliance, antitrust, consumer protection, data privacy and digital security, financial services and transactions, Medicaid/Medicare fraud, and fair labor standards and employment practices. He also assists individual clients with estate administration, estate planning, and individual claims.

Matthew is proficient in French, Spanish and Russian.

Scott Braden

Scott Braden is an associate who joined the firm's San Diego office in 2019. He received his J.D. from the University of San Diego School of Law in 2013, and received his undergraduate degree from California State University, Fresno.

Tom Withers (Of Counsel)

Tom Withers became Of Counsel to Carlson Lynch in June 2008, and often provides advice and counsel to the firm regarding trial strategy. Tom graduated from the University of Georgia law school in 1984. He also received his undergraduate degree from the University of Georgia. After graduating from law school, Tom joined Oliver, Maner and Gray, in Savannah, Georgia, where he was a partner from 1988 until 1990. While at Oliver, Maner and Gray, Tom was primarily engaged in the defense of medical malpractice cases for physicians. During his six years with the firm,



Tom tried approximately ten medical negligence cases to verdict, all of which resulted in verdicts for the defendants.

Thereafter, Tom joined the United States Attorney's Office in the Southern District of Georgia, where he remained for eight years. Tom initially served as an Assistant U.S. Attorney in the Criminal Section before becoming Chief of the Criminal Section in 1993. Tom also served as a Professional Responsibility Officer during his time with the United States Attorney's Office and was given the Department of Justice's Director's Award in 1997. In 1998, Tom left the United States Attorney's Office and became a founding partner of Gillen Parker & Withers (now, Gillen Withers & Lake, LLC). Tom's practice focuses on federal and state criminal defense, Medicare/Medicaid fraud, and complex civil litigation.

Tom is admitted to practice in the state courts of Georgia, the United States District Courts for the Southern and Northern Districts of Georgia, and the United States Court of Appeals for the Eleventh Circuit.